

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF DELAWARE**

In re:

AKORN HOLDING COMPANY LLC,
et al.,¹

Debtors.

Chapter 7

Case No. 23-10253 (KBO)

(Jointly Administered)

**AMENDED² NOTICE OF AGENDA FOR HEARING SCHEDULED
FOR MAY 19, 2023 AT 10:00 A.M. (PREVAILING EASTERN TIME), BEFORE THE
HONORABLE KAREN B. OWENS AT THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF DELAWARE, LOCATED AT 824 NORTH MARKET
STREET, 6TH FLOOR, COURTROOM NO. 3, WILMINGTON, DELAWARE 19801**

This hearing will be conducted in person. All parties, including witnesses, are expected to attend in person unless permitted to appear via Zoom. Participation at the in-person court proceeding using Zoom is allowed only in the following circumstances: (i) counsel for a party or a pro se litigant files a responsive pleading and intends to make only a limited argument; (ii) a party or a representative of a party is interested in observing the hearing; (iii) a party is proceeding in a claims allowance dispute on a pro se basis; (iv) an individual has a good faith health-related reason to participate remotely and has obtained permission from chambers to do so; or (v) other extenuating circumstances that warrant remote participation as may be determined by the Court.³

If appearance via Zoom is permitted, please use the following link to register for this hearing to appear via Zoom. All individuals participating by video must register at least two (2) hours prior to the hearing. After registering your appearance by Zoom, you will receive a confirmation email containing information about joining the hearing.

https://debuscourts.zoomgov.com/meeting/register/vJIsfu6uqDIqHK4bH_B3bft3LO8PoVlWyJs

Topic: Akorn Holding Company LLC *et al* – Case No. 23-10253 (KBO)

When: May 19, 2023 at 10:00 a.m. (Prevailing Eastern Time)

**You must use your full name when registering and logging into Zoom or you will
not be granted access to the hearing.
CourtCall will NOT be used for this hearing.**

¹ The Debtors in these chapter 7 cases, along with the last four digits of their federal tax identification numbers, and cases numbers are Akorn Holding Company LLC (9190), Case No. 23-10253 (KBO); Akorn Intermediate Company LLC (6123), Case No. 23-10254 (KBO); and Akorn Operating Company LLC (6184), Case No. 23-10255. The Debtors' headquarters is located at 5605 CenterPoint Court, Gurnee, IL 60031.

² Amended Notice of Agenda items appear in **bold** text.

³ See Chambers Procedures of the Honorable Karen B. Owens dated October 3, 2022.

<https://www.deb.uscourts.gov/sites/default/files/judge/Judge%20Karen%20B.%20Owens/General%20Chambers%20Procedures%20%28dated%20October%203%2C%202022%29.pdf>

MATTERS GOING FORWARD:

1. Sale Hearing Regarding Trustee's Motion for Entry of (I) an Order (A) Approving Bidding Procedures in Connection with Sale of Substantially all of the Estates' Assets, (B) Scheduling an Auction and Hearing to Consider the Proposed Sale, and (C) Approving the Form and Manner of Notice Thereof; and (II) an Order (A) Approving the Sale, (B) Authorizing the Assumption and Assignment of Executory Contracts and Unexpired Leases, and (C) Granting Certain Related Relief
[Filed 4/20/2023; Docket No. [106](#)]

- Related Documents:
- (a) Entered Order Granting Trustee's Motion for Entry of an Order (A) Approving Bidding Procedures in Connection With Sale of Substantially All of the Estates' Assets, (B) Scheduling an Auction and Hearing to Consider the Proposed Sale, (C) Approving the Form and Manner of Notice Thereof, and (D) Granting Certain Related Relief (the "Bidding Procedures Order")
[Filed 4/28/2023; Docket No. [137](#)]
 - (b) Notice of Sale of Assets, Auction, and Sale Hearing
[Filed 5/1/2023; Docket No. [145](#)]
 - (c) Notice of Executory Contracts and Unexpired Leases that May be Assumed and Assigned, Pursuant to Section 365 of the Bankruptcy Code, in Connection with the Sale of Substantially all of the Debtors' Assets, and the Proposed Cure Amounts
[Filed 5/1/2023; Docket No. [146](#)]

Objection Deadlines:¹

Sale Objection Deadline:.....	May 16, 2023
Objections to Proposed Cure Amounts and Assumption/Assignment of Executory Contracts/Leases:.....	May 16, 2023 ²
Replies to Cure Objections and Assumption/Assignment of Executory Contracts/Leases:.....	May 18, 2023
Objections under §365(f)(2) to Assumption/Assignment of Executory Contracts/Leases:.....	at or before Sale Hearing

¹ Objection Deadlines as provided in the Bidding Procedures Order.

² The Trustee has granted an extension to certain contract parties in an effort to consensually resolve informal inquiries regarding cure and/or assumption/assignment of executory contracts and leases.

Replies to Objections under §365(f)(2)
to Assumption/Assignment of at or before Sale
Executory Contracts/Leases..... Hearing

- Responses Received:
- (d) Reservation of Rights of the Chubb Companies with Respect to Trustee's Motion for Entry of (I) an Order (A) Approving Bidding Procedures in Connection with Sale of Substantially all of the Estates' Assets, (B) Scheduling an Auction and Hearing to Consider the Proposed Sale, and (C) Approving the Form and Manner of Notice thereof; and (II) an Order (A) Approving the Sale, (B) Authorizing the Assumption and Assignment of Executory Contracts and Unexpired Leases, and (C) Granting Certain Related Relief [Filed 5/3/2023; Docket No. [151](#)]
 - (e) Objection of Creditor M. Jacob & Sons, d/b/a MJS Packaging, to Debtors' Proposed Cure Amount [Filed 5/15/2023; Docket No. [173](#)]
 - (f) Oracle's Rights Reservation Regarding the Trustee's Sale Motion and Assumption Notice [Filed 5/16/2023; Docket No. [179](#)]
 - (g) Objection of Interior Specialty Construction, Inc. and Sullivan Contractors, LLC to Notice of Executory Contracts and Unexpired Leases that May be Assumed and Assigned, Pursuant to Section 365 of the Bankruptcy Code, in Connection with the Sale of Substantially all of the Debtors' Assets, and the Proposed Cure Amounts [Filed 5/16/2023; Docket No. [180](#)]
 - (h) Objection of AmerisourceBergen Drug Corporation and Affiliates to Cure Amounts and Reservation of Rights [Filed 5/16/2023; Docket No. [182](#)]
 - (i) Limited Objection and Reservation of Rights Regarding Notice of Executory Contracts and Unexpired Leases That May Be Assumed and Assigned, Pursuant to Section 365 of the Bankruptcy Code, in Connection With the Sale of Substantially All of the Debtors' Assets, and the Proposed Cure Amounts Filed by Thermo Fisher Scientific [Filed 5/16/2023; Docket No. [185](#)]
 - (j) Objection of Teva Affiliates to Proposed Cure Amounts [Filed 5/16/2023; Docket No. [186](#)]

- (k) Objection of Creditor Henderson Constructors, Inc. to Debtors' Proposed Cure Amount and to Assumption and Assignment of Superseded Proposal
[Filed 5/16/2023; Docket No. [188](#)]
- (l) McKesson Corporation and Certain Corporate Affiliates' Objection to Proposed Assumption and Assignment of Executory Contracts and Reservation of Rights
[Filed 5/16/2023; Docket No. [189](#)]
- (m) Reservation of Rights and Conditional Objection of Chicago Infill Industrial Properties LP and Westmount Realty Capital, LLC to Trustee's Motion to Sell Substantially all of the Debtors' Assets
[Filed 5/16/2023; Docket No. [190](#)]
- (n) Galenicum Health, S.L.U.'s Reservation of Rights and Objection to Cure and Assumption and Assignment
[Filed 5/16/2023; Docket No. [191](#)]
- (o) Objection of Sofgen Pharmaceuticals LLC to Proposed Cure Amounts and Assignability of Contract
[Filed 5/16/2023; Docket No. [192](#)]
- (p) Cardinal Health's Limited Objection and Reservation of Rights Regarding Notice of Executory Contracts and Unexpired Leases That May Be Assumed and Assigned, Pursuant to Section 365 of the Bankruptcy Code, in Connection With the Sale of Substantially All of the Debtors' Assets, and the Proposed Cure Amounts
[Filed 5/16/2023; Docket No. [193](#)]
- (q) Protective Objection of Evoqua Water Technologies LLC to Notice of Sale of Assets, Auction and Sale Hearing
[Filed 5/16/2023; Docket No. [194](#)]
- (r) Leadiant Biosciences Inc.'s Objection to the Trustees Notice of Executory Contracts and Unexpired Leases that May be Assumed and Assigned, Pursuant To Section 365 of the Bankruptcy Code, in Connection with the Sale of Substantially all of the Debtors Assets and the Proposed Cure Amounts
[Filed 5/16/2023; Docket No. [195](#)]

- (s) Limited Objection and Reservation of Rights of Thea Pharma Inc. and Laboratoires Théa Sas to the Trustee's (I) Cure Notice and (II) Sale Motion
[Filed 5/16/2023; Docket No. [196](#)]

Additional Filings:

- (t) Notice of Successful Bidders and Alternate Bidders
[Filed 5/18/2023; Docket No. [204](#)]
- (u) Asset and Share Purchase Agreement dated as of May 18, 2023 by and between Sentiss AG as Purchaser, and George L. Miller, the Chapter 7 Trustee of the estates of Akorn Holding Company LLC, Akorn Intermediate Company LLC and Akorn Operating Company LLC as Seller
[Filed 5/18/2023; Docket No. [205](#)]
- (v) Purchaser's Declaration in Support of Trustee's Motion for Entry of (I) an Order (A) Approving Bidding Procedures in Connection with Sale of Substantially all of the Estates' Assets, (B) Scheduling an Auction and Hearing to Consider the Proposed Sale, and (C) Approving the Form and Manner of Notice thereof; and (II) an Order (A) Approving the Sale, (B) Authorizing the Assumption and Assignment of Executory Contracts and Unexpired Leases, and (C) Granting Certain Related Relief
[Filed 5/18/2023; Docket No. [206](#)]
- (w) Certification of Counsel Regarding Submission of Order (A) Approving the Sale of Certain of the Estates' Assets (Specific "ANDAs" and Shares) to Sentiss AG or its Assigns, (B) Approving the Asset and Share Purchase Agreement Between the Trustee and Sentiss AG, and (C) Granting Certain Related Relief
[Filed 5/19/2023; Docket No. [208](#)]

Status:

The hearing is going forward in connection with the Trustee's sale to Sentiss AG Switzerland and the Trustee will seek approval of the sale. None of the objections to cure or objections to assumption/assignment of executory contracts relate to the purchased assets which are the subject matter of the proposed sale to Sentiss AG Switzerland.

The Trustee concluded the Auction proceedings on May 18, 2023 and will request an adjourned sale hearing date for a date during the week of May 22, 2023 at the Court's convenience.

The Trustee is currently working toward resolving all filed cure objections and/or proposed assumption and assignment of executory contracts objections prior to the adjourned sale hearing.

Dated: May 19, 2023
Wilmington, Delaware

COZEN O'CONNOR

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